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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,987	11/12/2003	Terrence W. Schmidt	1934-8-3	7342

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EXAMINER
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OLSON, LARS A

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/712,987

Applicant(s)

SCHMIDT ET AL.

Examiner

Lars A. Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-11,18-21,24 and 26 is/are rejected.
- 7) ☒ Claim(s) 2,3,12-17,22,23 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. An amendment was received from the applicant on July 15, 2005.

### *Drawings*

2. The drawings were received on July 15, 2005. These drawings are acceptable.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-6, 8-11, 18-21, 24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson (US 5,791,600).

Thompson discloses the same method as claimed, as shown in Figures 1-10, that is comprised of the steps of uncoupling or retrieving one or more mission modules, as shown in Figures 2-4, with a vessel, defined as Part #32, and removing or installing said one or more mission modules from or into a bay of said vessel, as shown in Figures 8-10, where said mission module is operable to influence non-module resources of said vessel, as described in lines 30-38 of column 2, and lines 13-19 of column 4. Said vessel, in the form of a space ship, aircraft or land vehicle, is also capable of transporting passengers, as well as being able to maneuver itself to a

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mission module before retrieving said mission module, or maneuvering said mission module either toward or away from said bay, as shown in Figure 3. A system interface of said mission module, as described in lines 30-38 of column 2, is also capable of being coupled to a system interface of said vessel.

Thompson also discloses the same vessel as claimed, as shown in Figures 1-10, said vessel, defined as Part #32, including a frame that is operable to retrieve a module, as shown in Figures 3 and 8-10, where said module, as shown in Figures 2-4, is operable to influence non-module resources of said vessel, as described in lines 30-38 of column 2, and lines 13-19 of column 4, and said vessel is capable of transporting passengers.

5. Claims 1, 7 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Cushing (US 3,602,730).

Cushing discloses the same method as claimed, as shown in Figures 1-11, that is comprised of the steps of uncoupling or retrieving a mission module, as shown in Figures 9-11, with a vessel, as shown in Figure 1, and removing or installing said mission module from or into said vessel, as shown in Figure 1, where said mission module is operable to influence non-module resources of said vessel, as shown in Figure 2, and described in lines 66-72 of column 3, and where said vessel is a ship, defined as Part #20 in Figure 1, that is capable of transporting passengers.

***Allowable Subject Matter***

6. Claims 2, 3, 12-17, 22, 23 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed on July 15, 2005 regarding claims 1, 4-11, 18-21, 24 and 26 have been fully considered but they are not persuasive.

8. The applicant argues that neither Thompson (US 5,791,600) nor Cushing (US 3,602,730) disclose a vessel that is operable to transport passengers from one location to another.

9. In response to the applicant's argument, Thompson discloses a vessel 32 that is capable of transporting passengers from one location to another, as indicated by the crew compartment shown in Figures 8-10, as well as one or more mission modules that are transported within a bay of said vessel. Cushing also discloses a vessel 20 that is capable of transporting passengers from one location to another, as indicated by the vessel superstructure shown in Figure 1, as well as one or more mission modules that are transported within a bay of said vessel, also as shown in Figure 1. Therefore, for the reasons given above, the rejection of claims 1, 4-11, 18-21, 24 and 26 is deemed proper and is not withdrawn.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

August 24, 2005

**LARS A. OLSON**  
**PRIMARY EXAMINER**

*Lars Olson*  
8/24/05